

**IN THE UNITED STATES DISTRICT COURT FOR THE
EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:16cr36
)	
GERALD ANDREW DARBY,)	
)	
Defendant.)	

UNITED STATES OF AMERICA)	
)	
v.)	CRIMINAL NO. 2:16cr43
)	
HUNTER VAUGHAN EURE,)	
)	
Defendant.)	

MOTION TO SEAL EXHIBIT

The United States of America by its counsel, Dana J. Boente, United States Attorney for the Eastern District of Virginia, and Elizabeth M. Yusi, Assistant United States Attorney, pursuant to Local Rule of Court 49(E) of the Local Criminal Rules for the United States District Court for the Eastern District of Virginia, respectfully submits this Motion to Seal the attached Exhibits A, 1A, 1B, 2A and 2B (filed separately, under seal) to the government's Supplemental Information to Support Government's Response to Defendants' Motions To Compel. The attached exhibits are submitted under seal pursuant to Local Rule 49(E), which provides that the document is to be treated as sealed pending the outcome of this motion. A proposed Order is attached hereto. In support thereof, the government avers the following:

The attached Exhibits contain the declaration of a Special Agent with the Federal Bureau of Investigation. It discusses law enforcement sensitive information related to the case at hand.

The exhibits to the declaration also contain law enforcement sensitive information. Because of the sensitive nature of information, the government is moving for the exhibits to be filed under seal.

The Court has the inherent power to seal materials submitted to it. *See United States v. Wuagneux*, 683 F.2d 1343, 1351 (11th Cir. 1982); *State of Arizona v. Maypenny*, 672 F.2d 761, 765 (9th Cir. 1982); *Times Mirror Company v. United States*, 873 F.2d 1210 (9th Cir. 1989); *see also Shea v. Gabriel*, 520 F.2d 879 (1st Cir. 1975); *United States v. Hubbard*, 650 F.2d 293 (D.C. Cir. 1980); *In re Braughton*, 520 F.2d 765, 766 (9th Cir. 1975). “The trial court has supervisory power over its own records and may, in its discretion, seal documents if the public’s right of access is outweighed by competing interests.” *In re Knight Pub. Co.*, 743 F.2d 231,235 (4th Cir. 1984). Further, courts can seal documents that contain sensitive information, such as law enforcement sensitive information. *Pittston Co. v. United States*, 368 F.3d 385, 406 (4th Cir. 2004) (affirming the sealing of confidential information that was produced pursuant to a protective order).

CONCLUSION

For all the above reasons, counsel respectfully moves for the entry of an Order in accordance with this Motion.

Respectfully submitted,

Dana J. Boente
United States Attorney

By: /s/ Elizabeth M. Yusi
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 6th day of July, 2016, I electronically filed the foregoing with the Clerk of Court using the CM/ECF system, which will send a notification of such filing (NEF) to the following:

Rodolfo Cejas, Esq.
Richard Colgan, Esq.
Andrew Grinrod, Esq.

/s/ Elizabeth M. Yusi
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